

FILED

SEP 28 2016

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES A. OBRISKIE,

Defendant.

No.

**4:16CR00433 HEA/PLC**

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any

data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files. The "Internet" is a means and facility of interstate and foreign commerce.

3. Between on or about November 1, 2013 and November 30, 2013, within the Eastern District of Missouri and elsewhere,

**JAMES A. OBRISKIE,**

the defendant herein, did knowingly receive child pornography using any means or facility of interstate and foreign commerce, that is the defendant received image and video files via the Internet which contained child pornography, including but not limited to one of the following:

1) "lsv-001A.avi" – a video file depicting a minor female in lascivious exhibition of her genitals and pubic area;

2) "lsv-002A.avi" – a video file depicting a minor female in lascivious exhibition of her genitals and pubic area;

In violation of Title 18, United States Code, Section 2252A(a)(2)(A) and punishable under Section 2252A(b)(2).

**COUNT II**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about April 1, 2014 and September 17, 2015, within the Eastern District of Missouri,

**JAMES A. OBRISKIE,**

the defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, a Toshiba 40GB Hard Drive with serial number 46NS0712S that was produced outside Missouri and therefore has traveled in interstate and foreign commerce, and which contained child pornography, including but not limited to one of the following:

1) "s3.jpg" – an image file depicting a minor female in lascivious exhibition of her genitals and pubic area;

2) "s4.jpg" – an image file depicting a minor female in lascivious exhibition of her genitals and pubic area;

3) "s5.jpg" – an image file depicting a minor female in lascivious exhibition of her genitals and pubic area;

In violation of Title 18, United States Code, Section 2252A(a)(5)(B) and punishable under Section 2252A(b)(2).

**COUNT III**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about April 1, 2014 and September 17, 2015, within the Eastern District of Missouri,

**JAMES A. OBRISKIE,**

the defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, an IBM 40GB Hard Drive with serial number DLCJLM4B that was produced outside Missouri and therefore has traveled in interstate and foreign commerce, and which contained child pornography, including but not limited to one of the following:

1) "bonus07-01-01.mpg" – a video file depicting three minor females in lascivious exhibition of their genitals and pubic area;

2) "lsm07-01-01.mpg" – a video file depicting three minor females in lascivious exhibition of their genitals and pubic area;

In violation of Title 18, United States Code, Section 2252A(a)(5)(B) and punishable under Section 2252A(b)(2).

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN  
United States Attorney

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Assistant United States Attorney